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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,751

07/08/2005

Joshua Patchornik

PATCHORNIK5

3902

1444 7590 10/10/2007  
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EXAMINER

TRAN, THUY V

ART UNIT

PAPER NUMBER

2821

MAIL DATE

DELIVERY MODE

10/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/541,751

**Applicant(s)**

PATCHORNIK, JOSHUA

**Examiner**

Thuy V. Tran

**Art Unit**

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07/08/2005 & prel. amendment conc. filed.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/23/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the Applicant's communication filed on 07/08/2005 and preliminary amendment concurrently filed therewith. In virtue of this amendment, original claims 1-16 were canceled, claims 17-34 are newly added; and thus, claims 17-34 are now presented in the instant application.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/23/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings Objections***

3. The drawings are objected to because Figs. 1-2 are not labeled correctly.
4. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification Objections***

5. The abstract of the disclosure is objected to because of the following informalities:

Line 3, "thereo" should be changed to --thereto--; and

Line 10, "(36, 50)" should be changed to --(36)--.

Correction is required. See MPEP § 608.01(b).

6. The specification of the submitted disclosure is objected to because of the following informalities:

Continuing data relating to the National Stage filing under 35 U.S.C. 371 of the instant application and the priority-filed application should be cited in a first paragraph of the specification.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 17, 19-20, 30-31, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki (U.S. Patent No. 6,246,596 B1).

With respect to claim 17, Yamazaki discloses, in Fig. 1, a startup circuit for a power supply [14, 31, 32], said startup circuit comprising (1) an input (out from source [2]) for connecting a source of high voltage [2] thereto, (2) an output rail (at input of [12]) for feeding rectified voltage to the power supply, (3) a first energy storage device [21] coupled to the output

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rail for storing energy when voltage is first applied to the input, (4) a second energy storage device [20] coupled to an output of the power supply for storing energy when a voltage appearing at the output of the power supply reaches substantially steady state, and (5) a switching circuit [52] coupled to the first energy storage device and to the second energy storage device and being responsive to the first energy storage device having sufficient energy for transferring said energy to the second energy storage device and disconnecting the first energy storage device from the output rail; characterized in that the power supply is a universal or variable power supply that is adapted to operate over a range of power supply voltages fed to said input, a starting resistor [51] is coupled between the output rail and the first energy storage device [21] for sourcing current to the first energy storage device [21], and the switching circuit is responsive to the first energy storage device [21] having sufficient energy for disconnecting the starting resistor from the output rail.

With respect to claim 19, Yamazaki discloses that the first energy storage device [21] is a first capacitor.

With respect to claim 20, Yamazaki discloses that the second energy storage device [20] is a second capacitor.

With respect to claim 30, Yamazaki discloses, in Fig. 1, a universal or variable power supply including a startup circuit, said startup circuit including (1) an input (connected to source [2]) for connecting a source of high voltage thereto, (2) an output rail (at input of [12]) for feeding rectified voltage to the power supply, (3) a first energy storage device [21] coupled to the output rail for storing energy when voltage is first applied to the input, (4) a second energy storage device [20] coupled to an output of the power supply for storing energy when a voltage

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appearing at the output of the power supply reaches substantially steady state, and (5) a switching circuit [52] coupled to the first energy storage device and to the second energy storage device and being responsive to the first energy storage device having sufficient energy for transferring said energy to the second energy storage device and disconnecting the first energy storage device from the output rail; characterized in that the power supply is a universal or variable power supply that is adapted to operate over a range of power supply voltages fed to said input (i) a starting resistor [51] is coupled between the output rail and the first energy storage device [21] for sourcing current to the first energy storage device [21], and (ii) the switching circuit [52] is responsive to the first energy storage device [21] having sufficient energy for disconnecting the starting resistor from the output rail.

With respect to claim 31, Yamazaki discloses that the universal or variable power supply is an integral unit.

With respect to claim 33, Yamazaki discloses, in Fig. 1, that the universal or variable power supply includes a power factor correction circuit (which is [12]).

With respect to claim 34, Yamazaki discloses, in Fig. 1, a circuit and a corresponding method for achieving substantially constant losses in a universal or variable power supply having an output rail (at input of [12]) that feeds current to a capacitor [21] via a resistor [51] and is coupled to a lamp control circuit that is fed by a backup power supply (back from [14] via [14c, 19]) in steady state, the method comprising decoupling (see col. 8, lines 6-10) the resistor [51] from the output rail when steady state is achieved so as to eliminate losses through the resistor [51].

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 18 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki.

With respect to claims 18 and 32, Yamazaki discloses all of the claimed subject matter, as expressly recited in claims 18 and 30, except for specifying that the power supply being part of an LED lighting system. However, Yamazaki teaches that such switching power supply is inexpensive, small-sized, and capable of reliably and stably starting up dual converters thereof (see col. 2, lines 23-25). For such advantages, to employ the switching power supply of Yamazaki for operating an LED lighting system would have been deemed obvious to a person skilled in the art.

***Allowable Subject Matter***

11. Claims 21-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest a startup circuit including a first comparator having a first input coupled to an output of the first capacitor and having a second input connected to a first reference voltage for generating a first switching signal when the output of

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the first capacitor exceeds the first reference voltage, and a second comparator having a first input coupled to an output of the second capacitor and having a second input connected to a second reference voltage for generating a second switching signal when the output of the second capacitor exceeds the second reference voltage, in combination with the remaining claimed limitations as called for in claim 21 (claims 22-29 would be allowable since they are dependent on claim 21).

***Citation of relevant prior art***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Prior art Tisinger et al. (U.S. Patent No. 5,477,175) discloses a startup circuit;

Prior art Ueoka et al. (U.S. Patent No. 5,449,979) discloses an inverter power supply; and

Prior art Fenter et al. (U.S. Patent No. 4,460,951) discloses a control circuit for a self-startup circuit.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

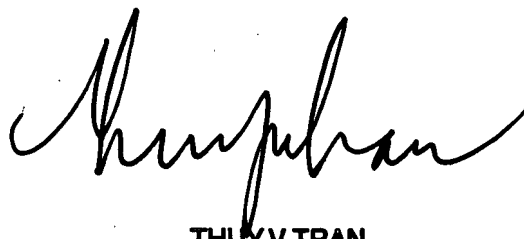
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications



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09/30/2007

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', written in a cursive style.

**THUY V. TRAN  
PRIMARY EXAMINER**